



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

66 Westford Street
Carlisle, Massachusetts 01741
Tel. (978) 369-9702
Fax (978) 369-4521
e-mail: carlplan@rcn.com

MINUTES

May 10, 2004

Minutes

Bills

Board Training

Town Computer Server

Joint Public Hearing with Carlisle Tree Warden of request to remove approximately 4-5 trees within the right of way adjacent to #102 Lowell Street, under the provisions of the Scenic Roads Bylaw (Art.XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Leslie Cahill]

Discussion of "informal conceptual site plan" for establishment of a more intensive non-residential use within a Business District, for a women's fitness center on the site of a previous office use, at 1 River Road, Map 10, Parcel 13 [Special Permit granted by Zoning Board of Appeals (4/22/04); Site Plan Approval required by Selectmen], request of Gail MacLeod

Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics]

Review of proposed Rules and Regulations Governing Scenic Roads, pursuant to Sec. 12.6 of Scenic Roads bylaw, as amended 5/03/04

Public discussion and review of plans for 189 ft. high wireless communications tower and facilities proposed by AT&T Wireless, Sprint Spectrum and American Tower Corporation at 871 Bedford Road (Map 11, Lot 1), as required by entry of Final Judgment in settlement of litigation in U.S. District Court v. Carlisle Zoning Board of Appeals (conditions may be proposed before 5/26/04)

Phase II Stormwater Management Policy

Vivian Chaput Memorial

Discussion of appointment of Planning Task Force for South Street Parcel A (Benfield Property)

Laurel Hollow Covenant

Ferns Country Store

Executive Session: Discussion of Litigation with Vale/Valchuis regarding Berry Corner Lane

Chair Louise Hara called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board members David Freedman, Dan Holzman, Tom Lane and Phyllis Zinicola were present along with Associate Planning Board member Ray Bahr. Member Michael Abend and associate member Rich Boulé were not in attendance this evening. Member Rich Colman arrived at 8:20 p.m. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were also present. Mosquito reporter Ali Walsh attended most of the meeting.

Bills

There were no bills to be signed, but Mansfield requested the Board's permission to attend the annual Massachusetts Association of Planning Directors conference on June 10-11. The Board agreed that he should do so.

Board Training

Hara noted that outgoing Board member Michael Abend has offered to give the new Planning Board a training session on how to review plans for traffic safety. Hara suggested that other departing members might wish to offer helpful training sessions on matters such as stormwater, drainage, cell tower and ANR review, plus a session should be given by Town Counsel on legal matters.

Town Computer Server

Mansfield reported that the server located near the Planning Board office is scheduled to be moved downstairs to a utility closet in the Clark Room, on Tuesday evening. He expected that this would resolve the noise problems experienced upstairs.

Minutes

The minutes of 4/26/04 were reviewed. Freedman added two sentences to clarify the wireless discussion and Holzman also suggested one change. The Board agreed to these changes. Freedman then **moved to approve the minutes of April 26, 2004 as amended.** Zinicola seconded the motion and it carried 5-0

Joint Public Hearing with Carlisle Tree Warden of request to remove approximately 4-5 trees within the right of way adjacent to #102 Lowell Street, under the provisions of the Scenic Roads Bylaw (Art.XII & MGL Ch. 40, s.15C) and the Public Shade Tree Act (MGL Ch. 87, s.3) [Request of Leslie Cahill]

Tree Warden Gary Davis and applicant Leslie Cahill were present.

Holzman noted that as a resident of Blaisdell Drive, he might be an abutter. After checking the assessors' maps, the PA determined that Holzman is an abutter to an abutter of the applicant, but also noted that Holzman is not within 300 feet of the proposed work along Lowell Street. Holzman, the Board, and the applicant agreed that there would be no conflict of interest if Holzman sat on this Public Hearing.

Cahill explained that she met Gary Davis on site on April 7 and marked the trees in the right-of-way to be removed. At that time, the trees had not yet begun to leaf out, and it was not clear if any were already dead. She presented a memo with a diagram showing the trees proposed for removal, two of which are now dead. Davis said he has visited the site again and confirmed this. Cahill said that she is proposing to remove the trees shown on her plan in addition to other saplings growing in the area. The tree and sapling removal in front of the wall is proposed to improve sight distances when entering Lowell Street from her driveway. She also plans to replace the trees removed from the right-of-way behind the wall with evergreen, screening plants to be located on her own property.

Cahill noted that the wall is currently in disrepair and uneven in height. She is proposing to restore the wall and bring it to a height consistent with her neighbor's wall. She also noted that she intends to retain the current opening in the wall, but plans to install another granite post to match the one currently there. She has received approval from the Historical Commission to do less than \$200 worth of repair, but she now expects the work to exceed that amount and plans to meet with the Historical Commission again.

Mansfield and Freedman reported that they had also reviewed the site and confirmed Cahill's description of existing conditions.

After a brief discussion, Lane **moved to give consent to the removal of trees as described in Cahill's memo to the Planning Board dated May 10, 2004 showing the removal of five (5) trees, with the condition that the stone wall be restored as described in the memo, but specifically in the traditional dry wall style, without the use of mortar. Trees marked for non-removal with blue ribbon shall not be removed and shall be protected during renovation**

of the wall with the intent that they remain. Newly planted trees for screening shall be planted on the applicant's property, and not within the right-of-way. Freedman seconded the motion and it carried 6-0 including the vote of the Tree Warden.

Hara gave Davis a copy of the Board's draft proposed Scenic Road regulations. She explained that the Board will be discussing these at the next meeting and asked him for any comments or suggestions.

Discussion of "informal conceptual site plan" for establishment of a more intensive non-residential use within a Business District, for a women's fitness center on the site of a previous office use, at 1 River Road, Map 10, Parcel 13 [Special Permit granted by Zoning Board of Appeals (4/22/04); Site Plan Approval required by Selectmen], request of Gail MacLeod

The applicant did not attend this evening. She did not contact the PA today, but Mansfield understood that there have been some problems with septic approval for this site, and the project may be delayed.

Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics]

Mansfield reported that the GIS project has been delayed because of difficulty in preparing the Wetland Overlay District data layer. Applied Geographics has agreed to prepare this layer separately, and expects to have the basic parcel data and zoning layers corrected and completed by next week.

(Colman arrived.)

Mansfield informed the Board that approximately \$3500 is still available from FY03 encumbered funds to pay for additional GIS work. He noted that these funds must be expended by June 30 or revert to the Town's general fund. The PA noted that common driveways are inconsistently noted on the assessors' maps and suggested that a common driveway data layer would be very helpful to the Town and its residents. Freedman asked the staff to obtain the assessor's list of 2004 updates. He also asked them to determine how many common driveways have as-built plans on file. He suggested forwarding these lists along with a sample as-built plan to Applied Geographics and asking them for an estimate to make the updates and prepare a common driveway data layer.

Review of proposed Rules and Regulations Governing Scenic Roads, pursuant to Sec. 12.6 of Scenic Roads bylaw, as amended 5/03/04

The Board reviewed the draft regulations and Freedman made a number of suggestions throughout the document. The Board agreed to review the changes and discuss them at their next meeting on May 24 at 8:45 p.m. The Board asked Ali Walsh to note this time and date in her article for the *Mosquito*.

Public discussion and review of plans for 189 ft. high wireless communications tower and facilities proposed by AT&T Wireless, Sprint Spectrum and American Tower Corporation at 871 Bedford Road (Map 11, Lot 1), as required by entry of Final Judgment in settlement of litigation in U.S. District Court v. Carlisle Zoning Board of Appeals (conditions may be proposed before 5/26/04)

Building Inspector Robert Koning and Town Counsel Kim Saillant were present. Douglas H. Wilkins of Anderson and Kreiger LLP was present to represent AT&T. Site property owner Gretchen Anderegg was present along with the following members of the public: Douglass Goodale of Maple St.; Paul Gill of Judy Farm Road; Chris Spriano, David Woodward and Matt Hamor of Bedford Rd.; Rick Blum of Elizabeth Ridge Rd.; Patricia Stimpson, and Marilyn Saunders of Canterbury Ct.

Mansfield had prepared a memo of the draft conditions for the Wireless Facility at 871 Bedford Road dated 5/7/04, and this was distributed to the Planning Board, Building Inspector, Town Administrator and Town Counsel.

Hara asked Koning if he had any comments on the conditions. Regarding condition #1, Koning asked if the Planning Board needs to approve the final construction documents. Holzman explained that the construction documents would not be available until after the conditions are drafted, and the Planning Board simply wishes to review these plans for consistency with the conditions. Saillant suggested wording to make this clear in condition #1.

Koning suggested adding the word "engineered" before the phrase "certified reports" in condition #5. In condition #6, the Building Inspector noted that the MA Building Code specifications are often updated and he wished to clarify this condition to note that the "latest edition" must be used.

In condition #7, Koning noted that the towers are designed out-of-state, and not by a "Massachusetts registered Professional Engineer." Holzman said that even if designed out-of-state, the plans must be stamped by a Massachusetts registered engineer to certify that the plan meets Massachusetts' building codes. Saillant suggested clarifying the wording to state that "The tower design plans must be stamped by a Massachusetts registered Professional Engineer."

Regarding lighting in condition #14, Koning asked about the intent of the lighting and the secure switch. The Board noted that they did not wish to have motion sensitive lighting, but rather a switch that could not be turned on without secure access. The Board changed the wording here to clarify that there shall be no "security" light, but rather "service lighting, normally in the off position."

Koning asked who enforces condition #19. Mansfield explained that according to the bylaw, the Planning Board, Clerk and the Building Inspector must receive a copy of a structural evaluation report.

Koning also asked if the proof of insurance requires a minimum dollar amount. Wilkins agreed to provide the Board with AT&T's liability insurance information before the next meeting. Colman noted that any figure inserted into this condition must also allow for annual inflation.

Anderegg requested a condition that no earth shall be removed from the site. Holzman suggested that this should be in an agreement between the landowner and the contractor. Zinicola agreed, noting that the Planning Board must focus on public safety and access issues.

Mansfield noted that condition #17 was debated at the last meeting, and he asked Anderegg if she was satisfied with it as currently drafted. She said she was. Koning suggested that condition #17 also require the applicant to provide a plan showing the limit of tree cutting. Goodale asked if tree cutting might be limited in perpetuity in order to maintain adequate screening of the tower. Hara explained that the Board has no authority to place such limits on a private lot, but she also noted that given the wetland locations and the Anderegg's own need for screening, she doubted many trees would be cut down in the future.

Lane suggested a condition requiring a sign with an emergency telephone number posted on the fence according to Zoning Bylaw 5.9.3.11. Saillant agreed to add this after condition #13.

Koning noted that the tower must have its own address and was concerned that it shares its access with the residence at 871 Bedford Road. Hara noted that condition #4 provides an easement for emergency vehicle access. She asked Koning to discuss access and street address issues with the Police and Fire Chiefs.

Freedman noted that Zoning Bylaw 5.9.3.22 summarizes draft conditions #10 and #14. The Board agreed that those conditions should be replaced with the same wording used in the bylaw. Mansfield noted that the word "secured" should be added, to clarify the type of switch required. The Board noted that a switch may be secured by locating it behind the fencing rather than requiring a keyed switch.

Saillant agreed to redraft the conditions making the changes noted this evening. The Board agreed to continue this discussion on May 24 at 9:00 p.m.

Phase II Stormwater Management Policy

Hara noted that in the latest revision of the Phase II Stormwater Management Policy, Carlisle has been exempted from meeting its requirements. She asked Holzman if he would be willing to give the Board an overview of what factors currently exempt the Town and what factors would have significant impact to the Town if they were to lose that exemption. He did not feel this would be necessary given Carlisle's exemption and the general complexity of the policy. He thought the Town would be notified of relevant changes in the future.

Vivian Chaput Memorial

Hara noted that Townspeople have been considering establishment of a memorial for Vivian Chaput, either through a scholarship for students interested in public service, and/or by naming the roadway into the Benfield Parcel A property "Vivian's Way." Mansfield said that when he worked for a different Town, they had set up a trust fund in memory of a citizen in that community. The trust fund was used to pay for special planning projects in that town. Board members thought this would be appropriate given Chaput's 17 years of service on the Planning Board and her general interest in planning issues.

Discussion of appointment of Planning Task Force for South Street Parcel A (Benfield Property)

Zinicola offered to represent the Planning Board on this Task Force although she suggested that a member who did not serve on the Community Preservation Committee might be advantageous by providing a fresh perspective to the discussion. Freedman said that he was impressed by Zinicola's ability to clarify the issues and provide an unbiased explanation of the Benfield Property situation to Special Town Meeting. Other Board members agreed and Freedman moved to appoint Zinicola as the Planning Board's representative to the Benfield Property Task Force.

Ferns Country Store

Mansfield showed the Board a plan, dated October 1996, presented to him by Larry Bearfield earlier today. Bearfield contended that the plan satisfies the Board's requirement for a parking plan as part of a site plan review. The PA noted that the plan was actually done by Shoemaker and Jennings, a paving company, and stamped by Rob Frado, the Board of Health's septic system engineer. Holzman explained that he was Frado's boss at the time, and the plan simply shows approximate location of parked cars. The Board of Health requires this type of plan when a tank will be paved over, to ensure that covers to the cleanouts and pumps will remain flush with the pavement and be accessible.

Planning Board members agreed that Bearfield must provide a dimensioned parking layout plan to show actual parking and traffic flow.

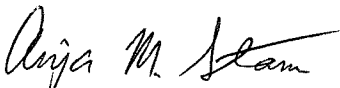
Discussion of Litigation with Vale/Valchuis regarding Berry Corner Lane

At 10:30 p.m., Freedman moved to go into executive session to discuss pending litigation regarding Berry Corner Lane, not to return to regular session. Lane seconded the motion and the Board was polled: Freedman-aye, Zinicola-aye, Hara-aye, Lane-aye, Holzman-aye and Colman-aye.

(Colman left the meeting at 10:35 p.m.)

At 10:40 p.m., Freedman moved to come out of executive session and to adjourn. Lane seconded the motion and the Board was polled: Freedman-aye, Zinicola-aye, Hara-aye, Lane-aye, and Holzman-aye.

Respectfully submitted,



Anja M. Stam
Administrative Assistant